

REMARKS

The examiner has rejected the claims at issue for the reasons of record and requested restriction between Group I, Claims 1-8; Group II, Claim 9; Group III, Claim 10; Group IV, Claims 11-18; Group V, Claims 19; Group VI, Claim 20; Group VII, Claims 21-28; Group VIII, Claim 29; and Group IX, Claim 30.

Applicant provisionally elect Group I claims and the claims readable on this election include Claims 1-8. Such election has been made with traverse and without prejudice or disclaimer of Applicant's right to traverse similar restrictions in future divisional or continuation applications. The provisional election of the Group I claims should not be construed as an abandonment of the invention of the non-elected claims of Group II-IV.

Applicant respectfully assert that as a whole, the restriction requirement parsing out nine Groups is improper, and that some of the Groups are not independent or distinct or lack unity of invention. In fact, Examiner has failed to properly explain why any of the Claims groups are patentably distinct in a way that forces restriction under PCT Rule 13.1 or 13.2. The Examiner alleges that all inventions listed as Groups I-IX do not relate to a single general inventive concept because they all lack the same or corresponding special technical features for a variety of reasons, including each set of Groups relate to a different polynucleotide variant or fragment thereof and polynucleotides within the scope of Groups I, IV and VII are taught in the art such that unity of invention is not found with Groups I-III, IV-VI or VII-IX as the shared technical feature is not a contribution over the art.

Applicant respectfully assert that the general linking feature behind all of the listed claims is the discovery of genetic variants of the casein kinase I delta and casein kinase I epsilon genes and the resultant protein products of the same. Applicant also points the Examiner's attention to the Official Gazette Notice of March 27, 2007, *Examination of Patent Applications Containing Nucleotide Sequences*. The Gazette states that, "[f]or

International applications and national stage filings of international applications under 35 U.S.C. 371, unity of invention determination will be made in view of PCT Rule 13.2, 37 CFR 1.475 and Chapter 10 of the ISPE Guidelines." Additionally, it states that, [u]nity of invention will exist when the polynucleotide molecules, as claimed, share a general inventive concept, i.e., share a technical feature which makes a contribution over the prior art." Herein, Applicant respectfully asserts that the general inventive concept shared by all groups of claims is the discovery of genetic variants of the casein kinase I delta and casein kinase I epsilon genes and the resultant protein products of the same.

In view of the above remarks, Applicant respectfully contends that each Group necessarily relates to the other in a way that requires prosecution as a whole, and to which is not an unnecessary burden on the Examiner. Applicant respectfully asserts that the Examiner remove the restriction requirement and prosecute all nine of the claim groupings.

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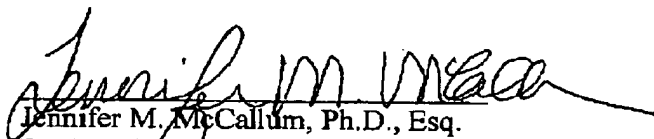
CONCLUSION

In view of the above-provisional election and arguments, an Office Action on the merits is respectfully requested at an early time.

If the Examiner notes any further matters which would be expedited by a telephonic interview, he or she is requested to contact Dr. McCallum at the telephone number listed below.

Respectfully Submitted,

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Date


Jennifer M. McCallum, Ph.D., Esq.
Registration No. 52,492
The McCallum Law Firm, P.C.
P.O. Box 929
Erie, CO 80516
Phone: 303.828.0655
Fax: 303.828.2938
E-mail: administration@mccallumlaw.net